

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN THE MATTER OF:

THE COMPLAINT AND PETITION OF  
SOUTHWEST FLORIDA MARITIME, INC.,  
d/b/a SEA TOW FORT MYERS, and its  
stockholders, as owners and/or owners pro  
hac vice of a 1987 24' XDC Fiberglass  
Outboard Vessel, Registration Number  
FL4439SJ, including her engines, gear,  
tackle, appurtenances, equipment, furniture,  
etc., for exoneration from and/or limitation of  
liability,

Case No. 2:20-cv-00552-JLB-NPM

Petitioners.

**ORDER**

The Magistrate Judge filed a Report and Recommendation (“R&R”) in this matter on December 15, 2020, recommending that Petitioners’ motion for final judgment of exoneration of liability be granted in this admiralty action. (Doc. 21.) No objections have been filed. A district judge may accept, reject, or modify the magistrate judge’s R&R. 28 U.S.C. § 636(b)(1). The factual findings in the R&R need not be reviewed de novo in the absence of an objection, but legal conclusions are always reviewed de novo. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

After an independent review of the record—and noting that no objections have been filed—the Court agrees with the well-reasoned R&R. Petitioners have complied with all the procedural obligations of Supplemental Rule 4(F), and default judgment should therefore be entered against potential claimants who have failed

to file or otherwise state a claim in response to the Complaint and Petition for Exoneration from and/or Limitation of Liability. (Doc. 1.)

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 21) is **ADOPTED**.
2. Petitioner's Motion for Entry of Final Judgment of Exoneration of Liability (Doc. 20) is **GRANTED**.
3. The Clerk **SHALL** enter a default judgment against all claimants who have not timely filed claims or responded to the Complaint and Petition for Exoneration from and/or Limitation of Liability. (Doc. 1.)
4. Petitioners **SHALL** be exonerated from all liability arising out of the incident described in the Complaint and Petition for Exoneration from and/or Limitation of Liability. (Doc. 1.)
5. The Clerk is directed to close the case.

**ORDERED** in Fort Myers, Florida, on January 13, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

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**JOHN L. BADALAMENTI**  
**UNITED STATES DISTRICT JUDGE**